



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
COMMERCIAL & ADMIRALTY DIVISION
CIVIL SUIT NO. 196 OF 2010

NIZAR HUDANI ASSOCIATES.....PLAINTIFF

*(A firm of Consulting Engineers whose
Sole proprietor is Niazar Hudani)*

VERSUS

THE ATTORNEY GENERAL.....DEFENDANT

*(On behalf of the Government of Kenya
and the Ministry of roads and Public Works)*

R U L I N G

1. On 23rd May 2014 this court dismissed the suit within for want of prosecution. The Notice of Motion before the court dated 11th June 2014 seeks to reinstate the suit.

2. In support of the application Simon Mauncho has sworn an affidavit dated 11th June 2014 in which he has stated, *inter-a-alia*, that the said dismissal was mistaken in that the advocates on record Mauncho & Company Advocates for the Plaintiff were not served with Notice to Show Cause dated 29th April 2014, and that the same was erroneously served on Messrs Michael David & Associates who were not on record for the Plaintiff. He further states that the parties to the suit wish to finalise the matter through the court process.

3. I have considered the application. It is not opposed. I have also considered the possibility that the advocates on record for the Plaintiff may not have been properly served with the said Notice to Show Cause.

I allow the application as prayed with costs in the cause.

Orders accordingly.

DATED, READ AND DELIVERED AT NAIROBI THIS 17TH DAY OF OCTOBER 2014

E. K. O. OGOLA

JUDGE

PRESENT:

Wati holding brief for Maunjo for Plaintiff

M/s Kilei for Defendant

Irene – Court Clerk